Amendments to the Drawings

Please replace FIG. 1 with the amended FIG. 1 enclosed on the replacement drawings sheet attached hereto. The only change made to FIG1. is the correction of the reference character "18" previously indicating the pit. This has been changed to reference number "38" which is the proper designation for the pit.

REMARKS

Claims 1-14 are currently pending in this application. Claim 13 stands rejected to under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-3, 5-11, 13, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson (U.S. Patent No. 5,062,387). Claims 1-4, 6, and 8-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bradley (U.S. Patent No. 4,175,515). Claims 4 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatetnable over Anderson in view of Bradley. Further the drawings stand objected to as failing to comply with 37 C.F.R. § 1.84(p)(4).

Applicant respectfully requests consideration of the application in view of the foregoing amendments and following remarks.

Specification Amendments

Paragraph [0041] has been amended to correct a typographical error relating to the numerical identifier for "the pit". This identifier has been changed from "80" to "38". Further, the Abstract has been amended in accordance with the guidelines of MPEP § 608.01(b).

Drawing Amendments

A replacement sheet containing FIG. 1 is being submitted herewith to correct a typographical error relating to the numerical identifier indicating "the pit". In the original drawing, the pit was incorrectly identified by the number "18". This has been corrected to "38" as is consistent with the written description.

Claim Amendments

Independent claims 1 and 8 have been amended to more clearly define the scope of applicants' invention including additional structural language. Claim 13 has been amended to correct antecedent basis by changing "water" to "pressurized fluid", and to correct a typographical error.

Support for these amendments is found in the original disclosure, claims, and drawings. No new matter had been introduced through these amendments.

Claim 13 -- 35 U.S.C. § 112, second paragraph

The rejection of claim 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is rendered moot by the foregoing amendments.

Claim 13 has been amended to recite "pressurized fluid" which has proper antecedent basis in claim 8.

Claims 1-3, 5-11, 13, and 14 -- 35 U.S.C. § 102(b)

The rejection of claims 1-3, 5-11, 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by Anderson (U.S. Patent No. 5,062,387) is rendered moot by the foregoing amendments.

The present invention as embodied in independent claims 1 and 8 relates to an apparatus and method comprising a containment structure comprising a floor having a high end and a low end and sloping in a first direction from the high end to the low end, and a plurality of transmission channels positioned at predetermined intervals between the high end and the low end and extending across the floor in a second direction substantially perpendicular to the first direction. The transmission channels comprise an inlet at one end connectable to a pressurized fluid source, and plurality of apertures thereon.

In contrast Anderson discloses a traditional waste cleaning system wherein water is introduced at one end of a sloping pit below an animal housing facility. The water runs from one end, at a higher elevation, to the opposite end, at a lower elevation, thereby washing any waste debris toward the low end for removal. There is no teaching or suggestion to position any sort of water distributor at some position between the high and low ends of the waste collection pit. Rather, all water distributors are located at the high end of the pit. This is clearly illustrated in FIG. 1 of Anderson for various pit configurations.

As such, Anderson does not teach at least one critical limitation found in the claims of the present invention. Therefore, Anderson fails to anticipate the independent claims 1 and 8, and similarly dependant claims 2-7 and 9-14 respectively. For this reason, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-3, 5-11, 13, and 14 under 35 U.S.C. § 102(b).

Claims 1-4, 6, and 8-13 -- under 35 U.S.C. § 102(b)

The rejection of claims 1-4, 6, and 8-13 under 35 U.S.C. § 102(b) as being anticipated by Bradley (U.S. Patent No. 4,175,515) is rendered moot by the foregoing amendments.

The present invention as embodied in independent claims 1 and 8 relates to an apparatus and method comprising a containment structure comprising a floor having a high end and a low end and sloping in a first direction from the high end to the low end, and a plurality of transmission channels positioned at predetermined intervals between the high end and the low end and extending across the floor in a second direction substantially perpendicular to the first direction. The transmission channels comprise an inlet at one end connectable to a pressurized fluid source, and plurality of apertures thereon.

In contrast Bradley relates to an entirely different system for removing animal waste from an animal housing facility. Bradley describes a small shallow trough for each animal. The trough is positioned at a distal end of the animal's pen from the feeding area and comprises a sloped floor with a water-line embedded therein. At spaced intervals along the trough nozzles are located which protrude into the trough and discharge water at an angle to clear away any animal waste. Thus, Bradley does not suggest transmission channels extending across the sloped floor having a plurality of apertures thereon. Rather the transmission channels are embedded in the wall of the pit and only the nozzles protrude into the pit.

As such, Bradley does not teach at least one critical limitation found in the claims of the present invention. Therefore, Bradley fails to anticipate the independent claims 1 and 8, and similarly dependant claims 2-7 and 9-14, respectively. For this reason, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-4, 6, and 8-13 under 35 U.S.C. § 102(b).

Claims 4 and 12 -- 35 U.S.C. § 103(a)

The rejection of claims 4 and 12 under 35 U.S.C. § 103(a) as being unpatetnable over Anderson in view of Bradley is rendered moot by the foregoing amendments.

In light of the above-discussed limitations of the present claims which are not disclosed by either Anderson or Bradley, applicants respectfully submit that their combination likewise fails to account for the deficiencies of either reference.

As such, Anderson and Bradley fail to disclose or suggest each and every limitation found in independent claims 1 or 8 and likewise dependant claims 4 and 12 respectively. For this reason, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 4 and 12 under 35 U.S.C. § 103(a).

Conclusion

Applicants respectfully request early consideration of the present application, entry of all amendments herein requested, and allowance of all pending claims.

The Examiner is respectfully invited to contact Todd W. Galinski at (336) 607-7448, to discuss any matter relating to this application.

Respectfully submitted,

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Date: 1/7/05

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